

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

DON GIBSON, LAUREN CRISS,  
JOHN MEINERS, and DANIEL  
UMPA, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF  
REALTORS, et al.

Defendants.

Case No. 4:23-cv-00788-SRB

[Consolidated with 4:23-cv-00945-SRB]

**PLAINTIFFS' CONSENTED MOTION FOR EXTENSION OF TIME**

Plaintiffs respectfully request that the Court enter an order extending until December 4, 2024, or another appropriate date ordered by the Court, the time for Plaintiffs to respond to Defendants Weichert Co. and Weichert Real Estate Affiliates, Inc.'s (collectively, "Weichert") Motions to Dismiss for Lack of Jurisdiction, filed on July 15, 2024. Plaintiffs further request that the Court order Weichert to complete its document production in response to Plaintiffs' jurisdictional discovery requests by November 25, 2024. In support of this Motion, Plaintiffs state:

1. The Weichert Defendants filed their Motions to Dismiss for Lack of Jurisdiction on July 15, 2024 (ECF Nos. 311, 313).

2. On July 22, 2024, the Court granted Plaintiffs' request for an extension of time and ordered Plaintiffs' oppositions to Defendants' Motions to Dismiss to be due September 13, 2024 (ECF No. 366).

3. Following a discovery hearing, on September 4, 2024, the Court ordered that Plaintiffs may conduct focused jurisdictional discovery (ECF No. 414). Consistent with the Court's order, on September 11, 2024, Plaintiffs served on the Weichert Defendants requests for production seeking jurisdictional discovery.

4. On September 12, 2024, the Court granted Plaintiffs' request for an extension of time to complete limited jurisdictional discovery and ordered Plaintiffs' oppositions to Defendants' Motions to Dismiss to be due November 13, 2024 (ECF No. 436).

5. Plaintiffs and Weichert conferred regarding the jurisdictional discovery requests served, and Weichert agreed in writing to produce "responsive documents by November 1" for "Requests 1-3, 8, and 10-13" and "for Requests 4-7 and 9, [to] produce responsive documents by November 5."

6. In violation of this Court's September 4, 2024 order and hearing instructions, and its own agreement with Plaintiffs' counsel, Weichert has not meaningfully responded to Plaintiffs' requests for production seeking jurisdictional discovery. Weichert failed to produce any documents at all for the requests associated with Weichert's agreed November 5 deadline, and failed to produce any documents responsive to several of the requests associated with Weichert's agreed November 1 deadline.

7. On November 13, 2024, the Court granted Plaintiffs' request for an extension of time to complete jurisdictional discovery and resolve this discovery dispute, and ordered Plaintiffs' oppositions to Defendants' Motions to Dismiss to be due November 20, 2024 (ECF No. 541).

8. Following the November 13, 2024 discovery hearing, the Court ordered that focused jurisdictional discovery continue and the Parties meet and confer on jurisdictional discovery to ensure alignment with the Court's September 4, 2024 Order. (ECF No. 544). Consistent with the Court's order, Plaintiffs and Weichert conferred, and Weichert has agreed to complete its document production in response to Plaintiffs' requests by November 25, 2024.

9. Plaintiffs thus seek a limited extension of the deadline to respond to the Weichert Defendants' Motions to Dismiss for Lack of Personal Jurisdiction in light of Weichert's timeframe for producing responsive documents. Counsel for Plaintiffs conferred with counsel for the Weichert Defendants, who consent to Plaintiffs' request for an extension to December 4, 2024. Counsel for the Weichert Defendants requested that the time period for their Reply briefs be extended to December 18, 2024. Plaintiffs do not oppose that request.

10. Plaintiffs further seek an order requiring the Weichert Defendants to complete document production in response to Plaintiffs' requests by November 25, 2024.

11. This Motion is not filed for the purpose of delay or harassment, and will not cause prejudice as all Parties have consented to the timeframe for the extension.

WHEREFORE Plaintiffs respectfully request that this Court enter an Order granting Plaintiffs an extension of time up to and including December 4, 2024 to respond to Defendants Weichert Co. and Weichert Real Estate Affiliates, Inc.'s Motions to Dismiss (ECF Nos. 311, 313).

DATED: November 20, 2024

Respectfully submitted,

By: /s/ Robert A. Braun

**COHEN MILSTEIN SELLERS & TOLL PLLC**

Benjamin D. Brown (*pro hac vice*)  
Robert A. Braun (*pro hac vice*)  
Sabrina Merold (*pro hac vice*)  
1100 New York Ave. NW, Fifth Floor  
Washington, DC 20005  
Telephone: (202) 408-4600  
bbrown@cohenmilstein.com  
rbraun@cohenmilstein.com  
smerold@cohenmilstein.com

Daniel Silverman (*pro hac vice*)  
769 Centre Street  
Suite 207  
Boston, MA 02130  
Telephone: (617) 858-1990  
dsilverman@cohenmilstein.com

**HAGENS BERMAN SOBOL SHAPIRO LLP**

Steve W. Berman (*pro hac vice*)  
1301 Second Avenue, Suite 2000  
Seattle, WA 98101  
Telephone: (206) 623-7292  
steve@hbsslaw.com

Rio S. Pierce (*pro hac vice*)  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
Telephone: (510) 725-3000  
riop@hbsslaw.com

Nathan Emmons (Mo. Bar. No. 70046)  
Jeannie Evans (*pro hac vice*)  
455 North Cityfront Plaza Drive, Suite 2410  
Chicago, IL 60611  
Telephone: (708) 628-4949  
nathane@hbsslaw.com  
jeannie@hbsslaw.com

**SUSMAN GODFREY L.L.P.**

Marc M. Seltzer (*pro hac vice*)  
Steven G. Sklaver (*pro hac vice*)  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067  
Telephone: (310) 789-3100  
mseltzer@susmangodfrey.com

ssklaver@susmangodfrey.com

Beatrice C. Franklin (*pro hac vice*)  
One Manhattan West  
New York, NY 10001  
Telephone: (212) 336-8330  
bfranklin@susmangodfrey.com

Matthew R. Berry (*pro hac vice*)  
Floyd G. Short (*pro hac vice*)  
Alexander W. Aiken (*pro hac vice*)  
401 Union St., Suite 3000  
Seattle, WA 98101  
Telephone: (206) 516-3880  
mberry@susmangodfrey.com  
fshort@susmangodfrey.com  
aaiken@susmangodfrey.com

**BOULWARE LAW LLC**

Brandon J.B. Boulware (Mo. Bar No. 54150)  
Jeremy M. Suhr (Mo. Bar No. 60075)  
Erin D. Lawrence (Mo. Bar No. 63021)  
1600 Genessee Street, Suite 416  
Kansas City, MO 64102  
Telephone: (816) 492-2826  
brandon@boulware-law.com  
jeremy@boulware-law.com  
erin@boulware-law.com

**KETCHMARK AND MCCREIGHT P.C.**

Michael Ketchmark (Mo. Bar No. 41018)  
Scott McCreight (Mo. Bar No. 44002)  
11161 Overbrook Rd. Suite 210  
Leawood, KS 66211  
Telephone: (913) 266-4500  
mike@ketchmclaw.com  
smccreight@ketchmclaw.com

**WILLIAMS DIRKS DAMERON LLC**

Eric L. Dirks (Mo. Bar No. 54921)  
1100 Main Street, Suite 2600  
Kansas City, MO 64105  
Telephone: (816) 945 7110  
dirks@williamsdirks.com

*Attorneys for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 20th day of November 2024, a copy of the foregoing document was filed with the court's electronic filing system which sent notification of such filing to all counsel of record.

/s/ Robert A. Braun

Robert A. Braun